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MINISTRY OF LAW

New Delhi, the 14th August, 1952

The following Acts of Parliament received the assent of the President on the 12th August, 1952 and are hereby published for general information:—

THE SALARIES AND ALLOWANCES OF MINISTERS ACT, 1952

No. LVIII OF 1952

[12th August, 1952]

An Act to provide for the salaries and allowances of Ministers.

Enacted by Parliament as follows:—

1. Short title.—This Act may be called the Salaries and Allowances of Ministers Act, 1952.

2. Definition.—In this Act, “Minister” means a member of the Council of Ministers, by whatever name called, and includes a Deputy Minister.

3. Salaries of Ministers.—There shall be paid to each Minister, other than a Deputy Minister, a salary of two thousand two hundred and fifty rupees *per mensem*, and to each Deputy Minister a salary of one thousand seven hundred and fifty rupees *per mensem*.

4. Residence of Ministers.—Each Minister shall be entitled without payment of rent to the use of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter, and no charge shall fall on the Minister personally in respect of the maintenance of such residence.

Explanation.—For the purposes of this section, “residence” includes the staff quarters and other buildings appurtenant thereto, and the garden thereof, and “maintenance” in relation to a residence includes the payment of local rates and taxes and the provision of electricity and water.

5. Sumptuary allowance to Ministers.—The Central Government may, by rules made in this behalf, provide for the grant of a sumptuary

allowance not exceeding five hundred rupees *per mensem* to any Minister other than a Deputy Minister, and such rules may provide for the grant of the allowance to different Ministers at different rates.

6. Travelling and daily allowances to Ministers.—(1) Subject to any rules made in this behalf by the Central Government, a Minister shall be entitled to—

(a) travelling allowances for himself and the members of his family and for the transport of his and his family's effects—

(i) in respect of the journey to Delhi from his usual place of residence outside Delhi for assuming office, and

(ii) in respect of the journey from Delhi to his usual place of residence outside Delhi on relinquishing office ; and

(b) travelling and daily allowances in respect of tours undertaken by him in the discharge of his official duties, whether by sea, land or air.

(2) Any travelling allowance under this section may be paid in cash or free official transport provided in lieu thereof.

7. Medical treatment, etc., to Ministers.—Subject to any rules made in this behalf by the Central Government, a Minister and the members of his family shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment.

8. Advances to Ministers for purchase of motor-cars.—There may be paid to any Minister by way of a repayable advance such sum of money as may be determined by rules made in this behalf for the purchase of a motor-car in order that he may be able to discharge conveniently and efficiently the duties of his office.

9. Ministers not to draw salary or allowances as Members of Parliament.—No person in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by Parliament by way of salary or allowance in respect of his membership of either House of Parliament.

10. Notification respecting appointment, etc., of Ministers to be conclusive evidence thereof.—The date on which any person became or ceased to be a Minister shall be published in the Official Gazette, and any such notification shall be conclusive evidence of the fact that he became, or ceased to be, a Minister on that date for all the purposes of this Act.

11. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

12. Regularisation of certain payments.—All salaries paid or payable for the period commencing on the 14th day of May, 1952, and ending with the commencement of this Act to Ministers described as Ministers of Cabinet rank (but not Members of the Cabinet), all charges incurred before the commencement of this Act in respect of the accommodation provided

in any hospital maintained by the Central Government for or on the medical treatment of any Minister or any member of his family and all payments made before such commencement by way of travelling or daily allowances to any Deputy Minister, shall be deemed to have been properly paid, payable or incurred or made.

13. Repeal of Act LIII of 1947.—The Salaries of Ministers Act, 1947, is hereby repealed.

THE PREVENTION OF CORRUPTION (SECOND AMENDMENT) ACT, 1952

No. LIX OF 1952

[12th August, 1952]

An Act further to amend the Prevention of Corruption Act, 1947

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Prevention of Corruption (Second Amendment) Act, 1952.

2. Amendment of section 3, Act II of 1947.—In section 3 of the Prevention of Corruption Act, 1947 (hereinafter referred to as the principal Act),—

(a) after the word and figures "section 165" the words, figures and letter "or section 165A" shall be inserted; and

(b) the proviso shall be omitted.

3. Amendment of section 4, Act II of 1947.—The proviso to section 4 of the principal Act shall be omitted and the said section shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) Where in any trial of an offence punishable under section 165A of the Indian Penal Code (Act XLV of 1860), it is proved that any gratification (other than legal remuneration) or any valuable thing has been given or offered to be given or attempted to be given by an accused person, it shall be presumed unless the contrary is proved that he gave or offered to give or attempted to give that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in section 161 of the Indian Penal Code or, as the case may be, without consideration or for a consideration which he knows to be inadequate.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the court may decline to draw the presumption referred to in either of the said sub-sections, if the gratification or thing aforesaid is, in its opinion, so trivial that no inference of corruption may fairly be drawn."

4. Amendment of section 5, Act II of 1947.—For sub-section (4) of section 5 of the principal Act, the following sub-section shall be substituted, namely:—

"(4) The provisions of this section shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing

contained herein shall exempt any public servant from any proceeding which might, apart from this section, be instituted against him."

5. Insertion of new section 5A in Act II of 1947.—After section 5 of the principal Act, the following section shall be inserted, namely:—

"5A. *Investigation into cases under this Act.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), no police officer below the rank—

(a) in the presidency towns of Madras and Calcutta, of an assistant commissioner of police,

(b) in the presidency town of Bombay, of a superintendent of police, and

(c) elsewhere, of a deputy superintendent of police,

shall investigate any offence punishable under section 161, section 163 or section 165A of the Indian Penal Code (Act XLV of 1860) or under sub-section (2) of section 5 of this Act, without the order of a presidency magistrate or a magistrate of the first-class, as the case may be, or make any arrest therefor without a warrant:

Provided that a police officer of the Delhi Special Police Establishment, not below the rank of an inspector of police, who is specially authorised by the Inspector-General of Police of that Establishment may, if he has reasons to believe that, on account of the delay involved in obtaining the order of a magistrate of the first-class, any valuable evidence relating to such offence is likely to be destroyed or concealed, investigate the offence without such order; but in every case where he makes such investigation, the police officer shall, as soon as may be, send a report of the same to a magistrate of the first-class, together with the circumstances in which the investigation was made."

6. Amendment of section 6, Act II of 1947.—Section 6 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Where for any reason whatsoever any doubt arises whether the previous sanction as required under sub-section (1) should be given by the Central or State Government or any other authority, such sanction shall be given by that Government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed."

7. Amendment of section 7, Act II of 1947.—In section 7 of the principal Act, after the word and figures "section 165" the words, figures and letter "or section 165A" shall be inserted.

K. Y. BHANDARKAR,
Secretary.